



3634 '01 MAR 16 A7:17

MAR - 7 2001

Mr. Ira L. Goldberg
President
Horizon Nutraceuticals
P. O. Box 1806
Santa Cruz, California 95066

Dear Mr. Goldberg:

This is in response to your letter of December 5, 2000 to the Food and Drug Administration (FDA) pursuant to 21 U.S.C. 343(r)(6) (section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (the Act)). Your submission states that Horizon Nutraceuticals, is making the following claim, among others, for the product **Milk Thistle**:

“...blood sugar regulation...”

21 U.S.C. 343(r)(6) makes clear that a statement included in labeling under the authority of that section may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases. The statement that you are making for this product suggests that it is intended to treat, prevent, or mitigate disease. This claim does not meet the requirements of 21 U.S.C. 343(r)(6). This claim suggests that this product is intended for use as a drug within the meaning of 21 U.S.C. 321(g)(1)(B), and that it is subject to regulation under the drug provisions of the Act. If you intend to make claims of this nature, you should contact FDA's Center for Drug Evaluation and Research (CDER), Office of Compliance, HFD-310, 7520 Standish Place, Rockville, Maryland 20855.

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Please contact us if you require further assistance.

Sincerely,

John B. Foret
Director
Division of Compliance and Enforcement
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

Copies:

FDA, Center for Drug Evaluation and Research, Office of Compliance, HFD-300
FDA, Office of the Associate Commissioner for Regulatory Affairs, Office of
Enforcement, HFC-200
FDA, San Francisco District Office, Office of Compliance, HFR-PA150

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cc:

HFA-224 (w/incoming)

HFA-305 (docket 97S-0163)

HFS-22 (CCO)

HFS-800 (r/f, file)

HFS-811 (file)

HFD-40 (Behrman)

HFD-310

HFD-314 (Aronson)

HFS-605

HFV-228 (Benz)

GCF-1 (Nickerson)

f/t:HFS-811:afp:02/08/01:docname:74384a:disc1

Horizon Nutraceuticals
P.O. Box 1806
Santa Cruz, CA 95066

December 5, 2000

RECEIVED
1/8/01

Office of Special Nutritionals (HFS-450)
Center for Food Safety and Applied Nutrition
Food and Drug Administration
200 C St. SW., Washington, D.C. 20204

RE: Notification of Nutritional Support Statements

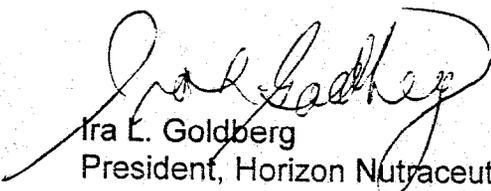
Dear Sir or Madam:

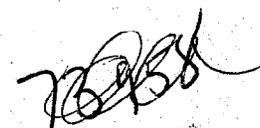
I hereby notify the Food and Drug Administration (FDA) of the use of statements of nutritional support in the labeling of **Milk Thistle**, a dietary supplement. Horizon® is the manufacturer of **Milk Thistle**.

Statements being made in the labeling of **Milk Thistle**:

(1) Silymarin, a flavonoid complex extracted from milk thistle seeds, is an important contributor to the support of healthy liver function. The liver plays an important role in digestion, detoxification, (blood sugar regulation) and fat metabolism. In in vitro studies, silymarin demonstrated antioxidant activity and the ability to inhibit lipid peroxidation of cellular membranes.

To the best of my knowledge, and based upon information and belief present at the time of the execution of this notice, I certify that the above information is accurate and complete. Horizon possesses substantiation that the statements are truthful and not misleading.


Ira L. Goldberg
President, Horizon Nutraceuticals


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